

Newport Town Council
Meeting Minutes
August 15, 2019

Pledge of Allegiance.

Meeting was called to order at 7:00 pm by Mayor Michael Spencer and he announced that the meeting was in compliance with the Delaware Open Meeting Act.

Attendance: Mayor Michael Spencer, Vice Mayor John Joswick, Town Manager Wendy King, Police Chief Mark Wohner, Commissioner Michele MacDonald, and Solicitor Chris Griffiths. Commissioner CarolAnn Gretz and Commissioner Flo Czerwinski were absent. There was a quorum.

Minutes from the meeting of July 18, 2019, were approved via motion by Vice Mayor Joswick and seconded by Commissioner MacDonald.

Public Comment: Erin Goldner, Hope Street DE, First Responder's Day is September 14, 2019, across from the James Street Tavern, 1pm-5pm, food and fellowship. Bill Lower, Harvey Hanna & Associates, thanked the town for its support for the DE Kids Fund 5K. Over \$20,000 was raised so a second food closet will open in Richardson Park Elementary School. Mayor Spencer made a comment to Mr. Lower that perhaps the town be approached about a sponsorship as the town was not mentioned in the flyer except that it was held in Newport. Joe Stagliano, Stonehurst, asked if there was any way that they could get speed bumps or dips through the town. Traffic is backed up, so everyone is cutting through Stonehurst, running stop signs and speeding. Christian and Mary Street stop sign gets run constantly. Ira Porter and Marina Affo, News Journal reporters, introduced themselves as it was their first time attending a town meeting here.

Town Manager's Report - Avkin tour - company looking at relocating at the old Pump it Up building. Pre-bid meeting for James Street bridge (7/25), DEMA/NCC briefing on grant opportunities for flood mitigation and pre-disaster mitigation funding, audit presentation, DNREC/ NPDES follow up, paving proposal from Remington Vernick, meeting with business owner regarding expansion of their business.

There was discussion about the Ayre Street bid - ADA compliant sidewalks, replacement of curbing, contingency, bidding out engineering.

Vice Mayor Joswick asked if 141 construction will affect James Street bridge at all. Mayor Spencer will address in his comments.

Frank Walker asked about the water buildup on Ayre Street and how that will affect paving project. Commissioner MacDonald had some questions about going rates on some of the fees that were listed in the Ayre Street paving bid.

Police Chief Wohner provided monthly department statistics. There was increased interaction with Richie School at recess and lunch by having dayshift officer visit when he could. To take that a step further, Chief Wohner modified a state grant to purchase sling bags, pencils, crayons, rulers, erasers and coloring books to be distributed on the first day of school at some point. Mayor Spencer is still networking to see about getting them a washer and dryer. Still going to obtain shirt sizes for spirit wear.

Alderman's Report - \$29,380 in court fines collected.

Maintenance Report - Tractor went down, sewer pump went down and to replace it, will cost \$7500. DNREC is investigating that pipe because motor oil was dumped and caused the pump to seize. County apparently received funding through the federal government to (re)build their pump houses.

Code Enforcement - Maintenance painted half of the curbs in the area, so that is having an effect on illegally parked cars. Working with the police department regarding non-tagged cars. Parking okay for now, corner on Justis Street is being handled by our solicitor.

Solicitor's Report - Responded to FOIA request for the police department, reviewed a policy for the police department and that is being finalized, drafted two ordinances, met with Code Enforcement Officer Walker about property maintenance ordinance, draft ordinance for composition of the Board of Adjustment, would encourage council to review charter for any changes they would like to make, no change on employment issue and working on Justis Street property regarding code enforcement.

Commissioners - Vice Mayor Joswick advised that Amtrak is going to be doing work to kill invasive species weeds and will flatten everything out up to 1600 E. Ayre Street. Commissioner MacDonald asked about what they were going to use to kill the weeds and they will be spraying in compliance with stormwater management guidelines.

Mayor's Report - Bridge 159 - start preliminary work in October and November for non-weather-related things. DelDOT will be meeting with businesses to advise them of timeline and to answer any questions they may have. Will attend Wilmapco meeting to interview those who submitted a "request for proposal" for the Newport transportation study. Met with County Executive Meyer and Planning Manager Rich Hall about involving Newport in an Economic Enterprise Zone - the county will be designating communities surrounding Newport for development purposes only (no one is getting annexed). The advantage of this will be that shovel-ready projects receive more consideration from DelDOT. The communities surrounding that may be included to create a "circle" are Lyndalia, Woodcrest, Bestfield, Westview, Tuxedo Park. That circle will be 2.1 square miles - the town is presently $\frac{1}{2}$ a square mile. This will require a vote from council soon. Will be looking to begin comprehensive plan update meetings. Suggestion on submitting a charter change - general assembly will not want to make only one amendment- there are probably four of five things that can be updated.

New Business - Two ordinances for first reading.

2019 - 001 Property Maintenance Ordinance - to give our code enforcement program more teeth and to hold residents accountable for their properties.

2019 - 002 - Ordinance to reconstitute the composition of the Board of Adjustment. It currently stands in our code that the board will consist of the mayor, the solicitor and a resident. Having the solicitor sit on the board will prohibit representation if a decision is appealed. Language included to also remove mayor and to stagger out terms.

Mayor Spencer made motion to accept 2019-001. Residential Property Maintenance Ordinance - Vice Mayor Joswick seconded. Mayor Spencer questioned what/who will determine compliance. Code Enforcement officer will determine, per code, who is in compliance in addition the 2000 International Residential Code. Town of Newport appointment of code enforcement officer - who does that? The town manager does, but it does not

note that in the draft, so it will be updated to reflect that. Commissioner MacDonald asked if the IRC should be referenced. The current process of code enforcement was explained to council. Vice Mayor Joswick suggested that the town manager oversees the position and Mayor Spencer questioned whether the position should be an appointment made by the town manager and approved by council. Solicitor Griffiths believes that the position should be fully overseen by the town manager.

Mayor Spencer made a motion to approve 2019-001; Vice Mayor Joswick seconded. Roll call vote - all ayes. Motion carried unanimous.

2019-002 - Ordinance to reconstitute the composition of the Board of Adjustment. Mayor Spencer made a motion to accept 2019-002. Vice Mayor Joswick seconded. Mayor Spencer asked if he needed to determine if candidates have appropriate knowledge of urban/rural development. Solicitor Griffiths advised that yes, his appointments would need to be approved and voted on by council. Almost all towns Solicitor Griffiths deals with have their boards formed in this manner. The key would be to start soliciting people who are interested and perhaps offer IPA courses or some form of training because the more is known about the comprehensive plan and zoning, the better. There was discussion about council members making up the board, but the Mayor prefers dealing with "lay people." It was suggested that the engineer could be named to the board, but that would not be beneficial if we were going to be charged for the appearance. Mayor Spencer asked about an effective date - January 1 will be too early. Solicitor Griffiths will make appropriate changes for next month.

Charter changes - we should have a workshop to discuss suggested changes.

Solicitor Griffiths offered training on BOA issues when the new board is established.

Mayor Spencer mentioned the bike path - there will be more conversation about funds to maintain it. Town will not actually own the bike path. The lighting on the bridge - the town will be responsible even the 3 of the lighting installations are in NCC.

Mayor Spencer made a motion to adjourn; Vice Mayor Joswick seconded.

Meeting adjourned 8:05 pm.

There is discrepancy in the minutes versus an email from Chris on moving the ordinances forward. The recording minutes read that there will be the 2nd reading on the property maintenance ordinance and the BOA ordinance will go back to a 1st reading. The below email was received from Chris on August 21 putting the BOA on for 2nd reading and the property maintenance ordinance back to a 1st reading.

- I will put the BOA ordinance in final form for its second reading
- I will amend the Property Maintenance code to give us the "option" to fine daily or set single fines; and, the code enforcement officer must get your approval before instituting daily fines against any Newport citizen. Does that work? We need to put this one on for a first reading once we finalize. I don't feel comfortable moving forward with a second reading given the changes.